

NAVAL WAR COLLEGE

Newport, R.I.

PLANNING CHALLENGES POSED BY U.S. ADHERENCE TO
A "ONE CHINA" POLICY

By

Douglas P. Johnson
CAPT, USN

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature_____

13 May 2002

REPORT DOCUMENTATION PAGE

1. Report Security Classification: UNCLASSIFIED			
2. Security Classification Authority:			
3. Declassification/Downgrading Schedule:			
4. Distribution/Availability of Report: DISTRIBUTION STATEMENT A: APPROVED FOR PUBLIC RELEASE; DISTRIBUTION IS UNLIMITED.			
5. Name of Performing Organization: JOINT MILITARY OPERATIONS DEPARTMENT			
6. Office Symbol: C		7. Address: NAVAL WAR COLLEGE 686 CUSHING ROAD NEWPORT, RI 02841-1207	
8. Title (Include Security Classification): Planning challenges posed by U.S. adherence to a "one China" policy			
9. Personal Authors: Captain Douglas P. Johnson, USN			
10. Type of Report: FINAL		11. Date of Report: 13 May 02	
12. Page Count: 28		12A Paper Advisor (if any):	
13. Supplementary Notation: A paper submitted to the Faculty of the NWC in partial satisfaction of the requirements of the JMO Department. The contents of this paper reflect my own personal views and are not necessarily endorsed by the NWC or the Department of the Navy.			
14. Ten key words that relate to your paper: "one China" policy, Taiwan, flexible deterrent options, unity of effort, legal use of force			
15. Abstract: The basis of U.S.-China relations is the "one China" principle. Adherence by the U.S. to a deliberately ambiguous "one China" policy challenges theater-strategic planning in important ways. The feasibility, adequacy, and acceptability of theater-strategic plans involving China will depend on finding ways to solve these important planning challenges. Important planning challenges occur principally as a result of Taiwan's ambiguous international position and legal status and the constraints and restraints placed on theater-strategic planners by the "one China" policy's restrictions on official contact between the U.S. and Taiwan. Establishing the justification and rationale for the use of U.S. military force in planning appropriate U.S. responses to a Chinese attack on Taiwan and providing for how plans are to integrate efforts with regional allies and Taiwan in order to achieve fundamental considerations such as unity of purpose/effort, objective and economy of force are two of the most important challenges that must be solved.			
16. Distribution / Availability of Abstract:	Unclassified X	Same As Rpt	DTIC Users
17. Abstract Security Classification: UNCLASSIFIED			
18. Name of Responsible Individual: CHAIRMAN, JOINT MILITARY OPERATIONS DEPARTMENT			
19. Telephone: 841-6461		20. Office Symbol: C	

Security Classification of This Page Unclassified

Abstract of

PLANNING CHALLENGES POSED BY U.S. ADHERENCE TO A “ONE CHINA” POLICY

The basis of U.S.-China relations is the “one China” principle. Adherence by the U.S. to a deliberately ambiguous “one China” policy challenges theater-strategic planning in important ways. The feasibility, adequacy, and acceptability of theater-strategic plans involving China will depend on finding ways to solve these important planning challenges.

Important planning challenges occur principally as a result of Taiwan’s ambiguous international position and legal status and the constraints and restraints placed on theater-strategic planners by the “one China” policy’s restrictions on official contact between the U.S. and Taiwan. Establishing the justification and rationale for the use of U.S. military force in planning appropriate U.S. responses to a Chinese attack on Taiwan and providing for how plans are to integrate efforts with regional allies and Taiwan in order to achieve fundamental considerations such as unity of purpose/effort, objective and economy of force are two of the most important challenges that must be solved.

Introduction

East Asia today faces a challenge similar to the one that confronted Europe in the late nineteenth century. The fundamental challenge is how to integrate the People's Republic of China (PRC)¹, a rising power, peacefully into the existing regional and international order. Moreover, the task for the United States, as well as other interested states, in and out of the region, is to create conditions that will accommodate China and not repeat Europe's failure and resulting disaster.² Among those who will be called on heavily to create the conditions required to peacefully accommodate China's growth in power while preserving the legitimate interests of the U.S. and other regional states is the Commander-in-Chief, U.S. Pacific Command (CINCPAC).

Responsible not only for developing theater strategy consistent with the national security strategy and national policies, CINCPAC's responsibilities also include the development of theater engagement plans that shape the regional security environment in order to promote peace, stability, and prosperity in the Asia-Pacific region. Additionally, he is tasked with planning appropriate responses, synchronized with other instruments of national power, in order to defuse a potential future crisis involving China in the Taiwan Straits. And, should the crisis ultimately lead to conflict, CINCPAC must be prepared to use military force in support of Taiwanese forces to decisively defeat the Chinese quickly on terms favorable to U.S. interests. Each one of these planning tasks is challenged in different ways by implications of the "one China" policy, the basis of U.S. relations with China since 1972.

Almost no one doubts that a future military confrontation between China and the United States in the Taiwan Strait is a distinct, however remote, possibility. Analysts

today consider the possibility of confrontation remote, but an increasing number of them are convinced that the likelihood of conflict is growing and may ultimately prove unavoidable. If a military confrontation between the United States and China does occur, no one doubts that the consequences would be severe not only for U.S. strategic interests in the Asia-Pacific region and the future of U.S.-China relations, but for others in the region and the international community as well in an age of increasing globalization. The relationship between China and the United States is based on a “one China” principle; a principle that has been characterized by an American diplomat as an untruth, but one China is prepared to go to war to defend³.

Since U.S. diplomatic recognition of the PRC in 1979, every U.S. president has pursued a “one China” policy. The core strategic objective of the “one China” policy is the “peaceful settlement of the Taiwan question by the Chinese themselves” as stated in the original Communiqué⁴ between the two countries. Although the goal of the “one China” policy has not changed, the strategic environment in which the policy is pursued and the strategies chosen by each administration to achieve the policy objective have. While the continuous assessment of these changes is an important aspect of developing theater-strategic plans and strategy, the focus of this paper is on those planning challenges resulting from U.S. adherence to an ambiguous “one China” policy.

Deliberate and Strategic Ambiguity

U.S. decision and policy makers beginning in 1972 have deliberately maintained an ambiguous “one China” policy. Testifying in March 1996, the Assistant Secretary of State for East Asian and Pacific Affairs in Clinton’s administration underscored this

tendency. Reminding members that “providing such details would be very unwise”, he recalled that Congress in 1979 “determined that we should not make an advance commitment to respond in a specific manner”⁵. Not publicly discussing how the U.S. might respond to the use of force against Taiwan is just one aspect of the ambiguous nature of the “one China” policy. But, it is not the most important one. Strategic ambiguity such as keeping the Chinese guessing as to how the U.S. might respond is important and creates challenges the CINC must account for in his planning; however, the resulting affect on planning is comparatively minor. On the other hand the deliberate ambiguity associated with the international and legal status of Taiwan created by adherence to a “one China” policy has major implications for theater-strategic planning.

The ambiguity associated with adherence to a “one China” policy affects the CINC’s planning in important ways. Some key problems must be confronted in the planning process and are evident from analysis. Perhaps most important of these problems (challenges) stems from the international status and legal standing of Taiwan. Another problem stems from congressional attempts to qualify the policy’s ambiguous nature which resulted in key constraints/restraints for theater planning that limit flexibility and freedom of action in plan development. The extent to which these problems can be resolved in the planning process affects the potential feasibility, adequacy and acceptability of resulting theater-strategic plans.

Background and the “one China” policy

Although not the only source of tension between the U.S. and China, the status of Taiwan is the major source of tension and Taiwan’s political future could be Mao

Zedong's reputed "single spark that can ignite a prairie fire"⁶. Hans Morgenthau warned that if a great power is to conduct foreign policy in such a way as to make the preservation of peace possible and not make the outbreak of war inevitable, it should not adopt a position from which it cannot retreat without serious loss of prestige or from which it cannot advance without exposing itself to political risks, even the risk of war.⁷ Yet, both the United States, an acknowledged great power, and China, a rising and ambitious power, have linked their respective strategic interests firmly to Taiwan's political future and have based their relations on a "one China" principle from which neither side can easily compromise. Neither country has demonstrated a willingness to change or modify its position despite changes in the strategic environment, only their strategies, suggesting that future efforts to advance strategic interests involve great risks.

By 1971, both Mao Zedong's communist regime in Beijing and Nixon's Administration concluded it was in their mutual interest to improve relations as a way to balance Soviet power. The Chinese were increasingly worried about Soviet domination and military power threatening China's northern provinces and the U.S. was growing increasingly concerned over the continuing war in Southeast Asia and U.S. ability to counter Soviet power in Europe and elsewhere. At the same time the international community recognized the PRC as the legitimate government of China removing Taiwan's representatives and granting the PRC China's seat in the United Nations when the UN General Assembly adopted Resolution 2758 in October 1971.⁸ In early 1972 the status of Taiwan was the most important, if not only, obstacle that prevented improved relations between the PRC and the United States.⁹

American willingness to acknowledge China's position regarding a "one China" principle was an important first step in improving relations with China and the process of normalizing relations with the PRC. The Joint U.S.-China Shanghai Communiqué, issued in February of 1972, established the "one China" principle and provided the basis for normalizing relations with Communist China. However, the two countries remained apart on what each meant by the "one China" principle and the policies they were prepared to follow. Henry Kissinger, then the national security adviser and the principal negotiator with the Chinese in Shanghai, later credited the wording of the Taiwan paragraph as necessary allowing each government to maintain its basic principles while effectively putting "the Taiwan issue in abeyance".¹⁰

Despite acknowledging China's position that there was but one China and that Taiwan was part of China, Nixon and the U.S. did not recognize the PRC as the legitimate government of China.¹¹ Seven years later, the Carter Administration did. Formal diplomatic relations were established with the PRC after the Joint Communiqué on the Establishment of Diplomatic Relations between the United States and the People's Republic of China was issued in January 1979. While recognizing the PRC as the sole legal government of China, the U.S. did not then nor has it since recognized or accepted, only acknowledged, China's position that there is but one China and that Taiwan is part of China, despite Chinese characterizations of U.S. statements to the contrary.

Ignoring Chinese claims in the 1972 Communiqué that "the liberation of Taiwan is China's internal affair in which no other country has the right to interfere"¹² the United States did not move to abrogate the Mutual Security Treaty of 1954 with the Republic of China¹³ until 1979. Although this committed the U.S. to defend Taiwan if attacked by

Mainland China, the United States did agree in the 1972 Communiqué to the progressive reduction of its military forces and installations on Taiwan “as the tension in the area diminished”¹⁴.

Abrogation of the Mutual Security Treaty together with formal recognition of the PRC’s legitimacy provoked action by the U.S. Congress. Concern over the implication these events and the unchallenged Chinese view of the “one China” principle had on Taiwan’s future resulted in congressional action to qualify the U.S. position found in the Communiqués and clarify U.S. policy regarding Taiwan. The application of U.S. policy toward Taiwan, is found in U.S. domestic law, the Taiwan Relations Act (TRA), passed in 1979 by the United States Congress. In effect, the TRA of 1979 replaced the Mutual Security Treaty of 1954 as the means for reassuring Taiwan and other regional friends and allies of U.S. commitment. It also linked further U.S. acknowledgement of a “one China” principle to future behavior by the PRC and to PRC commitment to a peaceful settlement of the Taiwan issue.

Even after 1979, the U.S. continued to view and treat Taiwan in practice as a sovereign political and territorial entity, albeit on an informal rather than formal basis. In addition to codifying unofficial social, commercial and cultural ties between the people of the United States and Taiwan, the TRA of 1979 contained four crucial points illuminating how U.S. policy would be applied in practice. First, it clarified that diplomatic relations with Communist China were based on the expectation that the future of Taiwan would be settled by peaceful means. Second, it stated that any effort to determine the future of Taiwan by other than peaceful means threatened the peace and security in the region and would be of grave concern to the United States. Third, it

declared that the United States would provide Taiwan with defensive military arms. Finally, it required the United States to maintain the capability to oppose any use of force or coercion, which might jeopardize the security, or the social or economic system, of the people of Taiwan.¹⁵

Among other concerns Beijing had with the close U.S.-Taiwan relationship, concern over continuing U.S. arms transfers to Taiwan resulted in a third Communiqué being issued in 1982. In the 1982 Joint Communiqué the U.S. declared that it “does not seek to carry out a long-term policy of arms sales to Taiwan ... and that it intends to reduce gradually its sales of arms to Taiwan”¹⁶, but these intentions were based on continued PRC adherence to a policy of peaceful reunification with Taiwan¹⁷. However, the United States is still engaged today in arms sales to Taiwan. In April 2000 the Bush administration offered Taiwan its biggest arms package since 1992, worth an estimated \$4 billion, including eight diesel-electric submarines.¹⁸

The “one China” policy endures today. Among the key security objectives for the future of U.S.-China relations listed in the current National Security Strategy published in December 2000 are “enhancing stability in the Taiwan Strait by maintaining our “one China” policy” and “promoting peaceful resolution of cross-Strait issues”.¹⁹ The Assistant Secretary for East Asian and Pacific Affairs in the Bush administration recently testified that the Bush administration has been and “will continue to be clear and straight forward with China about our interests including our commitment to peaceful resolution of differences with Taiwan, to the Taiwan Relations Act, and to freedom of navigation in international waters and airspace”.²⁰ While the “one China” policy and fundamental U.S. interests and policy objectives under President Bush remain unchanged, the

administration's strategy differs from the Clinton Administration's strategy of engagement. Administration officials acknowledged a shift in the U.S. approach to Taiwan, first signaled by the President by committing the U.S. to "whatever it took" to help Taiwan defend itself.²¹

Changes in the Strategic Environment

Although the core policy objective of peacefully resolving cross strait relations between China and Taiwan has remained unchanged since 1989, the strategic environment within which CINCPAC must plan and act in support of this objective changed almost overnight with the break up of the Soviet Union. For the foreseeable future, the strategic context in which future planning will take place is changing in ways that tend to increase, rather than decrease, the risk of a military confrontation. The strategic environment is different today than it was in 1989 or the years prior to 1989 in three important ways.

First, the break up of the Soviet Union resulted in an increase in the relative importance of the United Nations and UN Security Council Resolutions in the maintenance of international peace. In the decade of the 1990s, the U.S. was the sole remaining super-power. The overwhelming U.S. military and economic advantage combined with an international emphasis on human rather than national security issues led to an increase in U.S. military intervention in the decade following the Soviet Union's collapse. With the exception of the Gulf War in 1991, these interventions were justified based mostly on humanitarian considerations and sanctioned by the UN Security Council. China, extremely sensitive to matters of sovereignty and territorial integrity, saw them as

an uncomfortable trend of intervention into the internal affairs of other states, even if sanctioned by the UN and China as a member of the Security Council. NATO's war against the Former Republic of Yugoslavia over Kosovo alarmed the Chinese. UN willingness to encourage/sanction interventions will probably not continue much longer, and will depend largely on the path a stronger China takes in the future.

Second, China's rapidly growing economy, growth which began in 1979²², has fueled an ambitious military modernization program and expanded Chinese diplomatic influence. These trends are already affecting the balance of power between the U.S. and China in East Asia. As a result, China is pursuing more assertive security policies and continues to invest heavily in missile technology, area denial capabilities and regional power projection capabilities. In 1996 China conducted military exercises in the Taiwan Strait designed to influence the results of Taiwan's spring Presidential elections and provoked a response from the U.S. in the form of two Carrier Battle Groups moving to the area. Since then, regional neighbors have a growing appreciation for the critical importance of a politically independent Taiwan to their own security and stability and to the global presence of the United States, which underwrites security and stability in the region.

For now, the relative imbalance in power between the United States and China acts to restrain China in both the South China Sea and in the Taiwan Straits. However, once China's power approaches that of the U.S. as some predict will happen by 2025, it may be impossible to do so without going to war. Given the trends of Chinese economic growth, military modernization and diplomatic efforts to isolate Taiwan and reduce U.S. power and influence in the region, time may not be on the side of Taiwan or the U.S., if

one assumes continuing communist rule on Mainland China. If Chinese power approaches closely or eclipses American power in the Asia-Pacific region in the first quarter of the 21st century, the American will or means, or both, may not be available to peacefully assimilate China into the region or the international system.

The third way the security environment is different is U.S. involvement in a “Global War on Terror”. Most estimates conclude that U.S. involvement will not end any time soon. An examination of past crises in the Straits shows that each time a crisis occurred in which the PRC attempted to use force or coerce Taiwan into reunification on China’s terms, the U.S. was involved somewhere else. But, it is uncertain whether or not these military distractions influenced Chinese decision making.²³ Additionally, the recent shift in approach toward Taiwan suggests that the new Bush administration is moving in the direction of containing rather than engaging China, a change from the Clinton years. To underscore this change in strategy, the most recent Quadrennial Defense Review included the following Defense Department decision:

“The Secretary of the Navy will increase aircraft carrier battlegroup presence in the Western Pacific and will explore options for homeporting an additional three to four surface combatants, and guided cruise missile submarines (SSGNs), in that area.”²⁴

Combined with an impending change in Chinese leadership within the Communist Party, China may use force even if the costs to China are perceived to be high.

Implications and key planning challenges

Adherence by the U.S. to a deliberately ambiguous “one China” policy challenges theater-strategic planning in two important ways. First, the deliberate ambiguity of the policy raises two important questions – 1) “What is the international status of Taiwan?”

and 2)”Under what conditions would the use of U.S. military force to actively defend Taiwan against a Chinese attack be consistent with international law?” Second, the policy severed formal relations with Taiwan and domestic law permits only certain unofficial relations between the people of the United States and the people on Taiwan. This becomes an important constraint/restraint and raises at least one important question – “How is unity of effort and economy of force to be achieved between U.S. military forces and Taiwanese military forces?”

Because U.S. military operations since the end of the Cold War have two common characteristics of U.S. involvement, the analysis that follows is limited to examining the above challenges in light of these commonalties. The first one is that the U.S. does not conduct unilateral military operations and will only conduct military activities as part of a coalition/alliance force; therefore, how unity of effort is to be achieved where unity of command is not possible is an important planning consideration. The second common characteristic is the ability to justify the use of force consistent with international law is an important aspect of any U.S. decision to use military forces and affects all aspects of what forces and how those forces are to be used, where, and for what purpose. Following the end of the Cold War, in almost every case where the U.S. intervened with force it did so with a UN Security Council resolution authorizing all necessary means or measures to restore peace and security²⁵. Kosovo was an exception.

International status of Taiwan and justification for the use of force

The international status of Taiwan may be unique in world history²⁶ and presents legal issues and implications in considering how, where and what forces and under what

circumstances CINCPAC can plan to use military force to deter or defend Taiwan against a determined Chinese attack. China has not renounced the use of military force to coerce or compel Taiwan's reunification. Therefore, understanding the international status of Taiwan and the justification and rationale for the use of force is perhaps the most important planning consideration. Resolving these issues in advance to the extent possible is essential to the development of acceptable plans. How these issues are addressed impacts all aspects of theater planning including all of the operational factors of space, time, and force used in planning at the theater-strategic and operational levels.

In China's eyes, Taiwan's international status is unambiguous – Taiwan is a province of China and reunification is an internal domestic matter. For CINCPAC, how the U.S. chooses to characterize Taiwan's position is vital planning guidance he must have to go further with his strategic planning. The U.S. position, at least publicly, has been ambiguous. Successive administrations since the policy came about have avoided addressing Taiwan's international status in other than an obscure fashion usually by restating commitments to pursue a "one China" policy.

What is Taiwan's international status? Taiwan is not a member of the United Nations and her international status is in the eye of the beholder. The U.S. formally recognized the PRC as the legitimate government of China in 1979 and does not have formal diplomatic relations with Taiwan. China has held from 1949 that Taiwan is an internal matter. The international community expelled the representatives of Taiwan from the UN and recognized the PRC as the legitimate government of China in 1971. Furthermore, in all three Communiqués the U.S. acknowledged, but did not "affirm", the Chinese "one China" principle nor did it ever challenge the position that there is but one

China and that Taiwan is part of China. Today, the U.S. still chooses to avoid challenging the Chinese position or clarifying its own. As an example, testifying before the House International Relations Committee in May of 1998, the Deputy Assistant Secretary for East Asian and Pacific Affairs, summarized U.S. policy by stating that consistent with the “one China” policy, the U.S. “does not support “two Chinas” or “one China, one Taiwan,” Taiwan independence, or Taiwan’s membership in the UN”.²⁷

While the U.S. has not articulated Taiwan’s international status, the realities outlined above suggest that Taiwan is a province of China and reunification is an internal matter. Paragraph 7 of Article 2 to the UN Charter would appear to rule out a UN Security Council authorization to use force, unlikely since China is one of the five permanent members with veto power, even if a compelling humanitarian case could be made. Paragraph 7 in part states that “nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state”. The U.S. has “frequently affirmed this principle (principle of nonintervention).²⁸ Moreover, the principle of nonintervention is an integral part of U.S. law through the ratification of the Charters of the UN and the Organization of American States.²⁹

Can a rationale be found by the right of collective self-defense in Article 51 of the UN Charter, the only other agreed upon type of action which permits the legitimate use of force? Article 51 in part reads “nothing ... shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the UN”. Although Taiwan is not a member of the UN, “the inherent right of all nations to defend themselves was well established in customary international law prior to adoption of the

UN Charter”³⁰, Taipei was the *de jure* government of a sovereign nation before 1971, and the UN General Assembly Resolution only decided that the PRC was the legitimate government, not that Taiwan was not a sovereign nation. But since then, the UN has denied Taiwan’s repeated efforts to regain member status in the UN. For the U.S. to intervene on behalf of Taiwan, Taiwan would have to meet all of the conditions necessary for individual self-defense including being a sovereign nation and have requested U.S. assistance. But the weight of the material pertinent to determining the status of Taiwan suggests that Taiwan is not a sovereign nation in the eyes of the collective International community despite Taiwan’s arguments to the contrary. Furthermore, the 2002 U.S. Operational Law Handbook states that “there is *no* recognized right of a third-party state (the U.S. or regional allies) to intervene in internal conflicts (China) where the issue in question is one of a group’s (Taiwan?) right to self-determination and no request by the *de jure* government (PRC) for assistance”³¹ has been made to the third party. What is a possible rationale for the use of force then?

One possible justification with rationale could be based on the customary law right of self-defense and argued as follows:

“A Chinese attack on Taiwan is an act of aggression against a state with all the characteristics of a sovereign nation, only now not formally recognized as one by the majority of member states so as not to anger China. Provided Taiwan requests U.S. assistance, Taiwan meets all the conditions necessary to exercise the inherent right of self defense under Article 51 of the UN Charter. Failure of the UN Security Counsel to take prompt action to restore peace and stability does not prohibit any nation attacked by another, a member of the Security Counsel, from exercising their inherent right of self-defense.³² It is important to act and act now; failure to do so or do so successfully will undermine U.S. influence among regional allies and result in hostile domination of Taiwan and hold the vital sea lines of communication between Northeast Asia and the Persian gulf resources at risk threatening the prosperity and stability of our Northeast Asia partners.”

The War in Kosovo could also serve as a model for developing similar justification for acting either unilaterally or in concert with allies or regional partners.

The importance of providing clear justification and rationale for the use of force is well understood. It serves to assure that plans conform to national policy, are publicly sustainable once implemented, and permits the development of better rules of engagement to ensure that force is consistent with policy. Also, the ability to justify the use of force affects the propensity of U.S. decision-makers to authorize the use of military force. In the end, any decision to use force to satisfy national objectives and the specific legal justification for its use is ultimately made at the level of the President. However, if planning guidance is not provided by CJCS which lays out the specific justification for the use of force, the CINC should request it in the planning process and continue planning with justification and rationale developed from his strategic estimate. The above analysis suggests one possible justification with rationale.

Policy constraints and restraints

The “one China” policy results in important planning constraints and restraints, which combine to limit the CINC’s freedom of action in planning and his ability to integrate the development of theater strategy and strategic planning or to provide for unity of effort through cooperation and coordination. Achieving unity of effort and purpose through unity of command is a well-established principle. Given the political realities of the "One China" policy, unity of command except in the unlikely event of a unilateral U.S. response to Chinese provocation will be impossible. Therefore a major planning challenge will be how to integrate regional partners/allies and Taiwan’s

authorities into the planning process. This is a challenge though, even in cases where the U.S. has well-established bilateral relations, formal relations, established communication links and procedures and frequent military to military contact.

On the other hand, achieving unity of effort through cooperation, coordination and integrated planning in the case of Taiwan must be carried out within the restraints of the “one China” policy. The 1979 Communiqué included the following statement:

“recognizes the Government of the People’s Republic of China as the sole legal government of China. Within this context, the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.”³³

The TRA enacted in April 1979 codified these relations and further directed all programs, transactions, or other relations with respect to Taiwan, except as directed by the President, be conducted or carried out through the American Institute in Taiwan or other comparable non-governmental entity that the President may designate³⁴. So, the policy does not prohibit, but restricts contact between the members of the CINC’s staff or his subordinate staffs with military or civilian counterparts in Taiwan’s military or with civil authorities to unofficial means resulting in a considerable restraint directly affecting integrated planning efforts.

Therefore, providing a framework for achieving unity of effort will be a major planning task. Establishing mechanisms to coordinate actions in planning and in a crisis will depend on communications circuits and procedures established in advance. However, few established communication links and procedures exist today, but since 1997 the situation has been improving and offers new opportunities for the theater commander to overcome this challenge.

Increasing relations and direct ties within the respective militaries began under the Clinton administration following the 1996 Straits crisis. For example, U.S. military officers began traveling to Taiwan urging military reform. Additionally, since 1997 at least eight classified meetings occurred between the U.S., Japan and Taiwan important to the CINCs understanding of Taiwan's security concerns. Under President Bush other recent measures included relaxing restrictions on military officers traveling to Taiwan and allowing Taiwan's military officers to participate in DoD funded training programs like the Asia-Pacific Center for Security Studies. More importantly, the new administration is actively considering making high level military to military contact with Taiwan more regular.³⁵

Planning flexible deterrent options (FDO) is another important challenge because of policy constraints/restraints. The policy precludes planning for the use of Taiwan's seaports and airfields as well as operating in Taiwan's territorial seas or from Taiwan's airspace³⁶ in pre-conflict stages of planning and subsequently increases the importance of regional partners and allies for forward basing and support. The policy limits the forces available in a deterrent phase to primarily naval forces, the potential value of deterrent forces, complicates theater force protection and theater-strategic intelligence requirements. In planning FDOs, the CINC is tasked not to place forces in positions where they may be needlessly sacrificed if China is not deterred³⁷. This creates a conflict in positioning forces for deterrent value. Therefore each FDO being considered in planning must be carefully weighed against each policy restraint/constraint for feasibility, adequacy and acceptability.

Conclusion

As a result of China's sensitivity over issues of sovereignty and territorial integrity, China's leaders may not be easily deterred in future situations from using coercion or force to compel Taiwan's reunification despite the real or perceived costs of US presence or potential military responses to Chinese actions. Should U.S. efforts to deter China fail, failure to successfully defend Taiwan from Chinese attack risks losing U.S. influence and credibility with other regional partners. Moreover failure to respond would cede uncontested control of the first Island chain and the South and East China sea approaches to the vital sea lines of communications between Northeast Asia and the Arabian Gulf, upon which Northeast Asian economic prosperity lies, to China, a potentially hostile power and near-peer.

U.S adherence to a deliberately ambiguous "one China" policy poses several key planning challenges that act to limit the CINC's freedom of action in theater-strategic planning. These challenges result principally from Taiwan's ambiguous international status and the constraints and restraints placed on theater-strategic planners by the policy. Among the challenges that must be solved are establishing the justification and rationale for the use of U.S. military force in planning appropriate U.S. responses to a Chinese attack on Taiwan, and providing for how plans are to integrate efforts with regional allies and Taiwan in order to achieve fundamental considerations such as unity of purpose/effort, objective and economy of force when no official ties exist between the U.S. or its regional allies and Taiwan. The feasibility, adequacy, and acceptability of theater-strategic plans involving China will depend on finding ways to solve these key planning challenges.

Several conclusions can be drawn. First, the ability of decision makers to develop reasonable justification and rationale for the use of U.S. force to defend Taiwan against a Chinese attack will not be easy under the “one China” policy. However, doing so is critical to planning appropriate responses in the planning process. Without the specific justification and rationale, which forces, and how and where these forces may be used cannot be determined and planning cannot go forward without an increase in the number of planning assumptions.

Second, integration of strategy, plans, and forces working through unofficial and irregular channels will be difficult at best.

Third, planning must carefully evaluate each potential flexible deterrent option against the restraints and constraints implied by the policy for feasibility, adequacy, and acceptability. For example, positioning a CVBG in the Taiwan Straits although feasible, adequate and acceptable from a policy standpoint may escalate rather than diffuse a future crisis. On the other hand positioning a CVBG in the South China Sea on the back side of Taiwan may not be adequate for its purpose since it may have little deterrent value to the Chinese. Many will have to be rejected outright. For example, moving U.S. operated air defense assets to Taiwan, would probably not be politically acceptable and if done might actually provoke the use of force the policy is trying to prevent. Many other FDOs may be impractical or politically unacceptable given Chinese maritime claims and Taiwan’s status.

ENDNOTES

¹ Throughout the paper the People's Republic of China is referred to as China. Where PRC is used it denotes the Government of the People's Republic of China.

² John R. Landry, "The Military Dimensions of Great-Power Rivalry in the Asia-Pacific Region", in Asia and the Pacific: U.S. Strategic Traditions and Regional Realities, ed. Ambassador Paul Taylor, (Newport, RI 2001), 96.

³ Richard Bernstein and Ross Munro, The Coming Conflict with China, (New York: Vintage Books, 1998), 149. Then U.S. Secretary of State William Rogers objected to the Taiwan sentences in the 1972 Shanghai Communiqué between the U.S. and China which in part read "The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China", arguing that it was inaccurate because not all Chinese on both sides of the Taiwan Strait believe that Taiwan is a part of China.

⁴ "Joint U.S.-China Communiqué, Shanghai, February 27, 1972." <<http://nwcintrinet/apsg/communiques.htm>>[3 April 2002].

⁵ U.S. Department of State "The United States and the Security of Taiwan" <<http://www.state.gov/www/regions/eap/960314.html>> [4 April 2002]

⁶ Attributed to Mao Zedong.

⁷ Hans J. Morgenthau and Kenneth W. Thompson, "The Future of Diplomacy" in *Strategy and Planning*, 3rd edition, (Newport: Naval War College Press, 2000), 288-290.

⁸ UN Resolution 2758 replaced the representatives of the Republic of China on Taiwan with Beijing's representatives for China's seat on the UN Security Council and ejected Taiwan from the UN

⁹ China declared that "The Taiwan question is the crucial question obstructing the normalization of relations between China and the United States" in the Joint U.S. – China Shanghai Communiqué, issued on 27 February 1972.

¹⁰ Bernstein and Munro, 151.

¹¹ In the 1972 Joint U.S. – China Shanghai Communiqué, the United States acknowledged only "that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China". It went on to declare that "The United States Government does not challenge this position".

¹² "Joint U.S.-China Communiqué, Shanghai, February 27, 1972." <<http://nwcintrinet/apsg/communiques.htm>>[3 April 2002].

¹³ Before 1979, Taiwan was known as the Republic of China.

¹⁴ "Joint U.S.-China Communiqué, Shanghai, February 27, 1972." <<http://nwcintrinet/apsg/communiques.htm>>[3 April 2002].

¹⁵ “Taiwan Relations Act” <http://nwcintrinet/apsg/communiques.htm> [3 April 2002], Section 3301(b) paragraphs 3 through 6.

¹⁶ “U.S. – PRC Joint Communiqué, August 17, 1982” <<http://nwcintrinet/apsg/communiques.htm>> [3 April 2002].

¹⁷ U.S. Department of State, “The United States and the Security of Taiwan” <<http://www.state.gov/www/regions/eap/960314.html>> [4 April 2002].

¹⁸ John Pomfret, “In Fact and in tone, U.S. expresses new fondness for Taiwan”, Washington Post, 30 April 2002, sec 1, p. 12.

¹⁹ President William J. Clinton, A National Security Strategy for a Global Age. December 2000, 51.

²⁰ U.S. Department of State, “U.S. Policy on East Asia and the Pacific: Challenges and Priorities.” <<http://www.state.gov/p/eap/rls/rm/2001/3677.htm>> [4 April 2002].

²¹ Pomfret, sec 1, p. 12.

²² Background Note: China, US State Department Bureau of East Asian and Pacific Affairs, January 2002 <<http://www.state.gov/r/pa/bgn/2742.htm>> [6 Feb 2002]. China achieved average annual growth rates of 10 percent in agricultural and industrial output in the 1980s. By 1993 the Chinese economy was the fastest growing economy averaging an annual growth rate of 9 percent per year since 1978. Since 1993 it has hardly slowed down.

²³ Siegel, Adam B, “Strait Crises: The Taiwan Strait and Change and Continuity in U.S. Naval Contingency Operations”, Center for Naval Analyses, CAB 99-156, November 1999, 32.

²⁴ Department of Defense, The Quadrennial Defense Review Report (Washington, DC: 2001), 26.

²⁵ Examples of this include UNSCR 678 in response to the Iraqi invasion of Kuwait, UNSCR 794 for humanitarian relief in Somalia, UNSCR 940 for intervention in Haiti, and UNSCR 1031 for implementing Dayton Peace accords in Bosnia.

²⁶ Bernstein and Munro, 149.

²⁷ U.S. Department of State, “The United States and Taiwan”, <http://www.state.gov/www/policy_remarks/1998/980520_shirk_taiwan.html> [4 April 2002], 5.

²⁸ Jeanne M. Myer and Brian J. Bill, Operational Law Handbook (2002) Charlottesville: International and Operational Law Department, Judge Advocate General’s School, 2002. Chapter 1, p. 1.

²⁹ Ibid. Chapter 1, p. 1. Article 18 of OAS Charter states “No state or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of another state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic, and cultural elements.”

³⁰ Ibid. Chapter 1, p. 2.

³¹ Ibid. Chapter 1, p. 4.

³² Ibid. Chapter 1, p. 3. The majority of member states including the US argue for an expansive rather than restrictive approach in the interpretation of the Charter and Article 51. The argument is as follows: The customary law right of self-defense is an inherent right of a sovereign state that was not negotiated away under the UN Charter. Contemporary experience shows the inability of the Security Council to deal effectively with acts and threats of aggression.

³³ “Joint Communiqué on the Establishment of Diplomatic Relations between the United States of America and the People’s Republic of China, January 1, 1979”
<http://nwcintranet/apsg/communiques.htm>[3 April 2002].

³⁴ “1979 Taiwan Relations Act”, United States Code Title 22 chapter 48,
<<http://www.taiwandocuments.org/tra01.htm>>[29 April 2002], Section 3305.

³⁵ Pomfret, sec 1, p. 12.

³⁶ Both Taiwan and China claim the seas adjacent to Taiwan out to 12 miles as their territorial seas and airspace above Taiwan as theirs. Taiwan by presidential decree in 1979 and China by domestic law, Law of the PRC on the territorial Sea and contiguous zone, 25 Feb 1992. It is interesting to note that the U.S. does not challenge either claim specifically, but includes under the Taiwan section of the DoD Maritime Claims Reference Manual a statement that the “US recognizes the PRC as the sole legal government of China”.

³⁷ U.S. Naval War College Joint Military Operations Department NWC 3081 “Flexible Deterrent Options” Unclassified Extracts from Instructional Joint Strategic Capabilities Plan FY 1996, NWC 2-96, App. B to Encl. C.

Bibliography

- Bernstein, Richard, and Ross H. Munro. The Coming Conflict with China. New York, NY: Vintage Press. 1998.
- Chang, Gordon G. The Coming Collapse of China. New York, NY: Random House. 2001.
- China News. Speeches and Documents. “Jiang on Taiwan Straits” <http://www.china.org.cn/english/7955.htm> [4/3/2002].
- China News. Speeches and Documents. “The One China Principle and the Taiwan Issue” <http://www.china.org.cn/english/7956.htm> [4/3/2002].
- Clausewitz, Carl Von. On War. Michael Howard and Peter Paret, eds. Princeton University Press, 1976.
- Clinton, President William J. A National Security Strategy for a Global Age. December 2000.
- Department of Defense, Maritime Claims Reference Manual, DoD 2005.1-M, January 1997.
- Department of the Navy, The Commander’s Handbook on the Law of Naval Operations, NWP1-14M, October 1995.
- Formosan Association of Public Affairs, China’s White Paper, “The One-China Principle and the Taiwan Issue”. <http://www.fapa.org/update/chinawp/chinawhitepaperenglish.html> [4/29/2002].
- Formosan Association of Public Affairs. DOD Briefing. <http://www.fapa.org/update/chinawp/dod222.html> [4/29/2002].
- Gregor, A. James. “Qualified Engagement: U.S. China Policy and Security Concerns.” Naval War College Review, Spring 1999, Vol LII, No. 2, pp. 69-88.
- Houser, Jonathan, “Probing the Hegemon: The U.S. Navy’s Response in the Taiwan Straits Crisis of 1958”, Unpublished Paper, U.S. Naval War College, Newport, RI: 2001
- Jianxiang, Bi. “Managing Taiwan Operations in the Twenty-First Century: Issues and Options.” Naval War College Review, Autumn 1999, Vol LII, No. 4, pp. 30-58.

-
- Key Resolutions of the United Nations General Assembly 1946-1996, Dietrich Rauschning, Katja Wiesbrock, and Martin Lailach, eds, Cambridge University Press
- Landry, John R. "The Military Dimensions of Great-Power Rivalry in the Asia-Pacific Region." Asia and the Pacific: U.S. Strategic Traditions and Regional Realities, Ambassador Paul Taylor, ed., 2001.
- Lillich, Richard B. "Forcible Self-Help Under International Law" U.S. Naval War College International Law Studies, Vol 62, (Volume 2 of Readings), pp.129-138. Reprint, Newport, RI: Naval War College Press, 1980
- Lisenby, Jr., Joseph W., "Repelling a Chinese Invasion of Taiwan: A Space, Forces, Time Dilemma for the United States Pacific Command", Unpublished Research Paper, U.S. Naval War College, Newport, RI: 2001.
- Mosher, Steven W., Hegemon: China's Plan to Dominate Asia and the World. San Francisco, CA: Encounter Books. 2000.
- Myer, Jeanne M. and Brian J. Bill, Operational Law Handbook (2002) Charlottesville: International and Operational Law Department, Judge Advocate General's School, 2002.
- Porch, Douglas, "The Taiwan Straits Crisis of 1996: Strategic Implications for the U.S. Navy" Naval War College Review, Summer 1999, Vol. LII, No. 3, pp. 15-48.
- Rahman, Chris. "Defending Taiwan, and Why It Matters" Naval War College Review, Autumn 2001, Vol. LIV, No. 4, pp. 69-93.
- Robertson, Horace B. Jr. "Contemporary International Law Relevant to Today's World?" Naval War College Review, Summer 1992, pp89-103, Reprint. U.S. Naval War College, Operations Department, NWC 5002, Newport, RI 2001.
- Rongji, Zhu. "China and Asia in the New Century", Singapore: Institute of Southeast Asian Studies, 2000.
- Scobell, Andrew. "The Costs of Conflict: The Impact on China of a Future War", Strategic Studies Institute, U.S. Army War College, Carlisle, PA., October. 2001.
- Siegel, Adam B. "Strait Crises: The Taiwan Strait and Change and Continuity in U.S. Naval Contingency Operations", Center for Naval Analyses, CAB 99-156, November 1999.

Sun Tzu. The Art of War. Translated by Samuel B. Griffith. London: Oxford University Press, 1963.

Taiwan Documents Project. Democratic Progressive Party White Paper on China Policy for the 21st Century. “White Paper on China Policy for the 21st Century”. 30 November 1999. <<http://www.taiwandocuments.org/dpp01.htm>> [4/29/2002]

Taiwan Documents Project. Mutual Defense Treaty between the United States of America and the Republic of China. 2 December 1954. <<http://www.Taiwandocuments.org/mutual01.htm>>[4/29/2002].

Taiwan Documents Project. Taiwan Relations Act. United States Code Title 22 Chapter 48 Sections 3301-3316 Enacted 10 April 1979. <<http://www.taiwandocuments.org/tra01.htm>> [4/29/2002].

The Charter of the United Nations, 26 June 1945, reprinted form AFP 110-20, 27 July 1981, pp. 5-2 to 5-15.

U.S. Department of Defense. Quadrennial Defense Review Report, Washington, DC: 2001.

U.S. Department of State. “The Taiwan Relations Act at Twenty” <http://www.state.gov/www/policy_remarks/1999/990414_shirk_taiwan1.html>[4/4/2002].

U.S. Department of State. “The United States and Taiwan” <http://www.state.gov/www/Policy_remarks/1998/980520_shirk_taiwan.html> [4/4/2002].

U.S. Department of State. “The United States and the Security of Taiwan” <<http://www.state.gov/www/regions/eap/960314.html>>[4/4/2002].

U.S. Department of State. “U.S. Policy in East Asia and the Pacific: Challenges and Priorities” <<http://www.state.gov/p/eap/rls/rm/2001/3677.htm>>[4/4/2002].

U.S. Joint Chiefs of Staff. Doctrine for Joint Operations. Joint Pub 3.0. Washington, DC: 10 September 2001.

U.S. Joint Chiefs of Staff. National Military Strategy of the United States. Shape, Respond, Prepare Now: A Military Strategy for a New Era. Washington, DC: 1997.

U.S. Naval War College. Asia Pacific Studies Group. Joint Communiqué on the Establishment of Diplomatic Relations between the United States of America and the People’s Republic of China, January 1, 1979. <<http://nwcintranet/apsg/communiques.htm>> [4/3/2002].

U.S. Naval War College. Asia Pacific Studies Group. The Joint U.S. – China Communiqué, Shanghai, February 27, 1972.
<<http://nwcintronet/apsg/communiques.htm>>[4/3/2002].

U.S. Naval War College. Asia Pacific Studies Group. U.S.-PRC Joint Communiqué, August 27, 1982.<<http://nwcintronet/apsg/communiques.htm>>[4/3/2002].

U.S. Naval War College. Joint Military Operations Department. “Flexible Deterrent Options” Unclassified Extracts from Instructional Joint Strategic Capabilities Plan FY 1996, NWC 2-96, App. B to Encl. C.

Vego, Milan. Operational Warfare, United States Naval War College, Newport, RI: 2001.

Vego, Milan. Operational Warfare Addendum, United States Naval War College, Newport, RI: 2002.

Wood, Piers M. and Charles D. Ferguson, “How China Might Invade Taiwan” Naval War College Review, Autumn 2001, Vol. LIV, No. 4, pp. 55-68.